

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YES I CAN LICENSED BEHAVIOR ANALYST
PLLC et al.,

Plaintiffs,

-v-

GREEN TREE CAPITAL, LLC, et al.,

Defendants.

24 Civ. 7360 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:


On October 1, 2024, the Court issued an order denying an application for temporary injunctive relief filed by plaintiff Yes I Can Licensed Behavior Analyst PLLC (“Yes I Can”), noting that the application had improperly been filed on an *ex parte* basis. Dkt. 9. Although putting in place a schedule for a renewed application, the Court expressed substantial doubt that it has subject matter jurisdiction over this matter. *See id.* Plaintiff thereafter filed a renewed application. Dkt. 11. The Court has since extended the deadline for defendants to respond upon the filing of a renewed application, Dkt. 13, in response to counsel’s request for such an extension based, *inter alia*, on the Jewish holiday, Dkt. 12.

The Court has since received a series of letters from counsel. *See* Dkts 14–16. These letters have principally commented upon plaintiff’s counsel’s stated intention to move for emergency relief in state court. The defense contends that such relief is duplicative of the relief sought here, Dkts. 14, 16; plaintiff disputes that point, Dkt. 15.

The Court does not have occasion to comment on the propriety of plaintiff’s application for relief in state court. And it is premature for the Court to resolve the application pending here, which has not yet been fully briefed. However, as guidance to the state court that may be called

upon to resolve plaintiff's application there, this Court's preliminary assessment, as before, is that it lacks subject matter jurisdiction over this matter. The state court thus should not assume that this Court is likely to grant any relief to plaintiff Yes I Can.

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: October 8, 2024
New York, New York